

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

NANON MCKEWN WILLIAMS,	§
Petitioner,	§
	§
VS.	§ CIVIL ACTION NO. H-03-1508
	§
DOUGLAS DRETKE,	§
Director, Texas Department of	§
Criminal Justice, Correctional Institutions	§
Division,	§
Respondent.	§

ORDER

Respondent filed a Rule 59(e) Motion to Alter or Amend Judgment. [Doc. # 43].

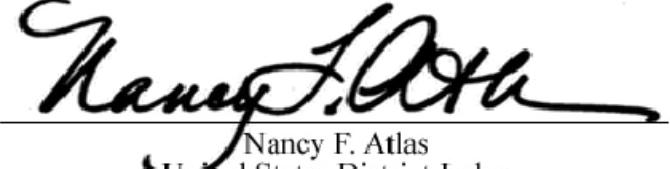
Respondent asks this Court to clarify its Memorandum and Order and its Final Judgment granting limited relief to Petitioner on his claim that his age at the commission of the offense excludes him from execution under *Roper v. Simmons*, ___ U.S. ___, 125 S. Ct. 1183 (2005).

In light of Respondent's motion, this Court clarifies that this Court *conditionally* granted relief on Williams' *Roper v. Simmons* claim. Respondent will release Williams from custody unless, within 180 days from the entry of judgment, the State of Texas commutes his sentence to life imprisonment. The Court denied the remainder of Williams' punishment phase claims as moot. The Court will issue a separate amended final judgment.

Williams likewise filed a cursory post-judgment pleading intended to be a Rule 59(e) motion. This Court ordered Williams to show cause why that motion should not be denied for its failure to comply with federal procedure. [Doc. # 46]. Williams has since informed the Court that he has withdrawn his motion. [Doc. # 49]. This Court, therefore, will not

adjudicate Williams' post-judgment pleading.

SIGNED this **6th** day of **May, 2005**, at Houston, Texas.



Nancy F. Atlas
Nancy F. Atlas
United States District Judge